

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 22, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:09OD-053

OAHU

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc.
and Hawaiian Telcom, Inc. for Utility Purposes; Wilikina Drive, Wahiawa, Oahu;
Tax Map Key: (1) 7-3-012:011 and 015; (1) 7-3-013: 008 and 009.

APPLICANT:

Hawaiian Electric Company, Inc., whose business and mailing address is P.O. Box 2750,
Honolulu, Hawaii 96840-0001.

Hawaiian Telcom Inc., whose business and mailing address is P.O. Box 2200, Honolulu,
Hawaii 96814

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wahiawa, Oahu, identified by tax map key (1) 7-3-
012:011 and 015; (1) 7-3-13:008 and 009, as shown on the map attached as Exhibit A and
B respectively.

AREA:

14,805 square feet, more or less

ZONING:

State Land Use District: Urban

City & County of Honolulu LUO: R-5

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Parcel 8 is encumbered by an easement for water tunnel purposes (LOD 16395) in favor of Castle & Cooke, Incorporated. Other parcels are vacant and unencumbered.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair and remove over, under and across State-owned land for utility purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Hawaiian Electric Company, Inc.

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

Hawaiian Telcom Inc.

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial rent/one-time payment;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;
- 3) Process and obtain subdivision at Applicant's own cost.

REMARKS:

On a request dated March 30, 2009, Hawaiian Electric Company, Inc. (HECO) sought to secure permission for a right-of-entry to enter State lands and replace several deteriorating overhead utility poles over State lands. At that time, HECO had also sought permission to conduct a field survey for utility easement purposes. HECO indicates that they are not aware of any utility easements having been issued for covering the existing pole line at the subject location. A copy of the map delineating the path of the poles is attached as Exhibit B.

HECO does not have a clear reason for explaining why there is no existing utility easement for the overhead pole line, but suggests that at the time of its installation, that a road had once existed there. However, prior to the abandonment of the road, HECO believes that it had been perceived as a public right-of-way, and thus, no utility easement was requested. Therefore, Board approval of HECO's request for the subject utility easement should resolve any compliance issue.

Staff has been subsequently informed by HECO that the subject request consists of a "joint poleline" that includes Hawaiian Telcom, Inc. Thus, Hawaiian Telcom, Inc. have subsequently been included as the Applicant.

HECO and Hawaiian Telcom, Inc have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

The Department of Transportation-Highways Division, is of the opinion that the work area is located within a right-of-way requiring the Applicant to obtain a permit from their department. Based on the latest survey map provided by HECO, the subject area is not located within the right-of-way.

The Division of Forestry and Wildlife, Division of State Parks, Commission on Water Resource Management, Division of Aquatic Resources, Department of Facility Maintenance, Department of Parks and Recreation, the Board of Water Supply and the Office of Hawaiian Affairs have no comments nor objections to the subject request.

The Department of Health, State Historic Preservation Division and the Department of Planning and Permitting have no response as of the suspense date of the subject request.

RECOMMENDATION: That the Board:

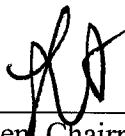
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. covering the subject area for utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



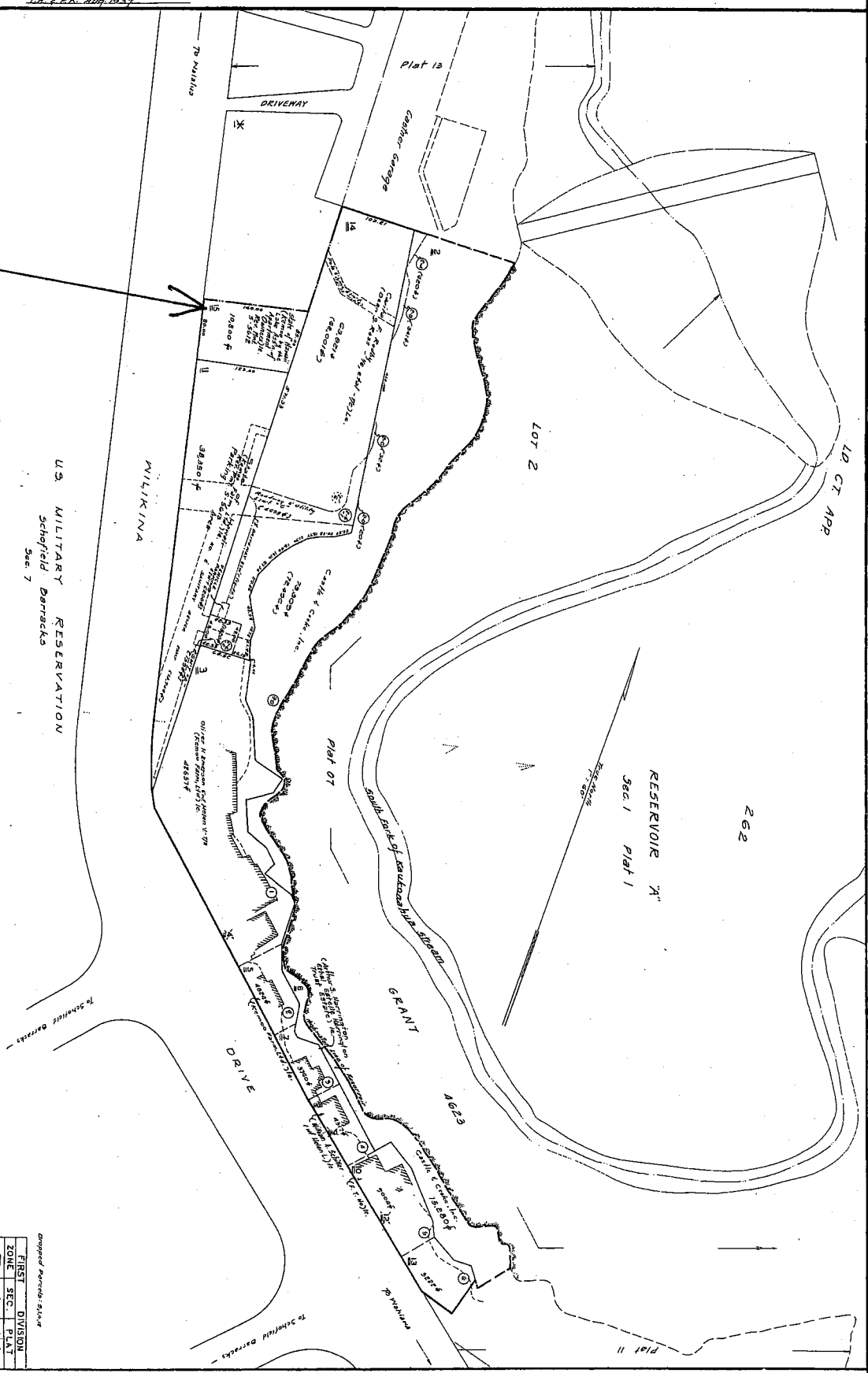
Laura H. Thielert, Chairperson



Dwg. No: 3249
Source: Tax Maps Bureau and Survey Dept.
By: L.H. & P.K. Aug. 1937

POE WAHIAWA, OAHU.

Subject



U.S. MILITARY RESERVATION
Schofield Barracks
Sec. 7

SUBJECT TO CHANGE

Dropped Parcel: 5/14/18

FIRST	DIVISION
ZONE	SEC. PLAT
7	3 12
CONTAINING PARCELS	
SCALE: 1"=60 ft.	

PRINTED

EXHIBIT "A"

Fig. 2-100
 1:50,000
 1:250,000
 1:100,000
 1:50,000
 1:25,000
 1:12,500
 1:6,250
 1:3,125
 1:1,562.5
 1:781.25
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